IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35933 of 2008
SHUBH NARAYAN PRASAD son of Sahdeo Prasad,
Resident of village- Yadavpur, P.S.- Harsidhi
District- East Champaran
Versus
STATE OF BIHAR
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2 **20.11.2008** Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case registered for the offences under section 414 of the Indian Penal Code, section 27(1-B)A, 26 of the Arms Act and section 47(A) of the Excise Act.

The allegation against the petitioner is to the effect that a large quantity of spirit contained in plastic drums as detailed in the first information report were recovered from the adjacent two rooms of the Baithka of the petitioner and those drums were concealed in Bhusa. It is further alleged that from the said Bhusa country made rifle and cartridges were also recovered, which were seized by the police in presence of the witnesses and copy of the seizure list was handed over to the father of the petitioner. The petitioner was not available on the spot.

WEB COPY NOT OFFICIAL

It has been submitted on behalf of the petitioner that he was not present in the said Baithka and the seizure of the articles were made in his absence for which he can not be held responsible, and as a matter

of fact he was not even present in the village. It is further submitted that those articles which were seized did not belong to the petitioner and how the same was kept there is not known to him and is not answerable for the same.

Learned Addl. P.P. appearing for the State opposes the prayer for bail and submits that the allegations are that above articles were concealed in the Bhusa room adjacent to the Baithka of the petitioner. It is further submitted that in view of the specific allegation, although the same is denied by the petitioner, are serious in nature. The petitioner is not entitled to be granted the privilege of anticipatory bail.

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Considering the submissions, as noticed above, and the nature of allegation levelled against the petitioner and its seriousness, I am not inclined to grant the privilege of anticipatory bail to the petitioner. His prayer for grant of anticipatory bail is, accordingly, rejected.

Manish/- **(Shailesh Kumar Sinha,J.)**